

**SENATE JOURNAL**  
OF THE  
**IDAHO LEGISLATURE**

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**EIGHTY-SECOND LEGISLATIVE DAY**  
**FRIDAY, MARCH 30, 2007**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Bilyeu, Coiner and Darrington, absent and formally excused by the Chair; and Senators Andreason, Burkett, and Malepeai, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jamie Godfrey, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 29, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Andreason, Burkett, and Malepeai were recorded present at this order of business.

March 29, 2007

The FINANCE Committee reports out **H 330, H 334, and H 335** with the recommendation that they do pass.

CAMERON, Chairman

**H 330, H 334, and H 335** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

March 28, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1047, S 1068, S 1069, S 1077,  
S 1088, as amended, S 1093, S 1103,  
S 1119, S 1144, S 1152, as amended,  
S 1155, S 1170, and S 1172**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 29, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1138 and S 1180**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 29, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1131**

As Always - Idaho, *Esto Perpetua*

/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 29, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1128**, as amended, **S 1136**, as amended,  
**S 1173**, **S 1204**, **S 1206**, **S 1207**, **S 1208**,  
**S 1209**, **S 1210**, and **S 1211**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 29, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I am transmitting today to the Secretary of State the following Senate Bill, which will be allowed to become law without my signature:

**S 1134**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 29, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I am transmitting to the Secretary of State the following Senate Bill, which will be allowed to become law without my signature:

**S 1121**

within the time limited by law.

This legislation fails to take into account the ability of Idaho newspapers, which eagerly seek after the right to publish legal notices, to offset the cost of publishing those notices without imposing the costs on the taxpayers. No Idaho newspaper is required to publish legal notices, yet this legislation would mandate that taxpayers compensate the newspapers which choose to do so. Individuals and entities required by law to have legal notices published in newspapers have little choice where they are published. Counties and cities have no right, under current law, to seek competitive bids for the publication of such notices or to negotiate the rate for such publications. What's more, in an age of diverse and expanding options for sharing information, publishing in newspapers may no longer be the best or most efficient way to ensure legal notices receive the broad dissemination that public interests demands. Given the current restrictions in Idaho law, mandating further increases in rates for publishing legal notices is contrary to governments role as the people's servant.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 28, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have approved and am transmitting herewith the following Senate bill to with:

**S 1212**

EXCEPT THAT said bill making appropriations of money embracing distinct items has been item vetoed and disapproved within the time limited by law, the bill having been received in the Office of the Governor at the hour of 3:03 p.m. on March 23, 2007. The item disapproved is as follows:

**On page 3 of the enrolled bill, line 12,  
the sum of "\$760,000"**

It has been my expressed position that taxpayer dollars must be applied judiciously by state government toward the best use of what we already have. Population growth and the interests of our expanding tourism industry do not trump the importance of sound management and fiscal responsibility. There is a significant backlog of maintenance needs at Idaho's existing state parks. Our limited resources must be used to address those needs and to enhance the utility of our existing parks before we add to our state parks inventory. No business or family would do less with their own resources. We do not have the luxury of doing less with taxpayer dollars. Therefore I have vetoed the Department of parks

and Recreations appropriation earmarked for purchasing land for the proposed Rising River park and have instructed the agency's director not to spend any of the \$2,140,000 additionally appropriated for that purpose on the project.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The Governor's line item veto message was ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, **S 1212**, with the Governor's line item veto withstanding, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

March 29, 2007

Mr. President:

I transmit herewith Enrolled **H 210**, as amended, as amended, and **H 222** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 210**, as amended, as amended, and **H 222** and ordered them returned to the House.

March 29, 2007

Mr. President:

I return herewith **S 1225** and **S 1228** which have passed the House.

JUKER, Chief Clerk

**S 1225** and **S 1228** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

### Petitions, Resolutions and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, Acting President Stegner presiding.

Roll call showed all members present except President Pro

Tempore Geddes and Senators Bilyeu, Coiner, and Darrington, absent and formally excused by the Chair.

Prior to recess the Senate was at the Fifth Order of Business, Reading of Petitions, Resolutions and Memorials.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1239** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Corder, Davis, Douglas (Werk), Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett.  
Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Coiner, Darrington, Geddes.  
Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1239** passed, title was approved, and the bill ordered transmitted to the House.

**S 1240** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Corder, Davis, Douglas (Werk), Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett.  
Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Coiner, Darrington, Geddes.  
Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1240** passed, title was approved, and the bill ordered transmitted to the House.

Senator Darrington was recorded present at this order of business.

March 30, 2007

The JUDICIARY AND RULES Committee reports that **S 1225** and **S 1228** have been correctly enrolled.

DARRINGTON, Chairman

The Acting President declared that Enrolled **S 1225** and **S 1228** will be held at the desk for the signature of the President, and when so signed will be transmitted to the House for the signature of the Speaker.

The Acting President called Senator Darrington to the Chair.

March 30, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1123**, as amended, as amended in the House, and **S 1243** were delivered to the Office of the Governor at 3:30 p.m. March 30, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 30, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1212**, with the Governor's line item veto withstanding, was delivered to the Office of the Secretary of State at 3:05 p.m. March 30, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 330** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 330** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Langhorst, seconded by Senator Stennett, that **H 330** be referred to the Fourteenth Order of Business for amendment.

The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Malepeai, and Langhorst.

AYES--Burkett, Douglas (Werk), Kelly, Langhorst, Little, Malepeai, Stennett. Total - 7.

NAYS--Andreason, Bair, Bastian, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Richardson, Schroeder, Siddoway, Stegner. Total - 24.

Absent and excused--Bilyeu, Coiner, Geddes, Pearce. Total - 4.

Total - 35.

Whereupon the Acting President declared that the motion to send **H 330** to the Fourteenth Order of Business did not prevail.

The question being, "Shall **H 330** pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Richardson, Schroeder, Siddoway, Stegner. Total - 25.

NAYS--Burkett, Douglas (Werk), Kelly, Langhorst, Little, Malepeai, Stennett. Total - 7.

Absent and excused--Bilyeu, Coiner, Pearce. Total - 3.

Paired and voting included in roll call:

AYE - Geddes                      NAY - Bilyeu

Total - 35.

Whereupon the Acting President declared **H 330** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 334** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 334** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Corder, Burkett, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Richardson, Schroeder, Stegner, Stennett. Total - 30.

NAYS--Siddoway. Total - 1.

Absent and excused--Bilyeu, Coiner, Geddes, Pearce. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 334** passed, title was approved, and the bill ordered returned to the House.

### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 335** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 335** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Corder, Darrington, Douglas (Werk), Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Schroeder, Siddoway, Stegner, Stennett. Total - 29.

NAYS--Davis, Richardson. Total - 2.

Absent and excused--Bilyeu, Coiner, Geddes, Pearce. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 335** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Acting President appointed a committee consisting of Senator Corder, Chairman, and Senator Kelly to escort the committee from the House of Representatives consisting of Representatives Eskridge, Brackett, and Shepherd into the Senate Chamber. The committee advised the Senate that the House of Representatives had completed its business and was ready to adjourn *Sine Die*.

The Senate Committee then escorted the House Committee from the Chamber and was discharged..

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

### **Messages from the House**

Senator Pearce was recorded present at this order of business.

March 30, 2007

Mr. President:

I transmit herewith **H 336** which has passed the House.

JUKER, Chief Clerk

**H 336** was filed for first reading.

March 30, 2007

Mr. President:

I return herewith **S 1239** and **S 1240** which have passed the House.

JUKER, Chief Clerk

**S 1239** and **S 1240** were referred to the Judiciary and Rules Committee for enrolling.

March 30, 2007

Mr. President:

I transmit herewith Enrolled **H 330**, **H 334**, and **H 335** for the signature of the President.

JUKER, Chief Clerk

The Acting President announced that Enrolled **H 330**, **H 334**, and **H 335** will be held at the desk for the signature of the President and when so signed will be returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**H 336**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### **Reports of Standing Committees**

March 30, 2007

The JUDICIARY AND RULES Committee reports that **S 1239** and **S 1240** have been correctly enrolled.

DARRINGTON, Chairman

The Acting President announced that Enrolled **S 1239** and **S 1240** will be held at the desk for the signature of the President and when so signed will be transmitted to the House for the signature of the Speaker.

March 30, 2007

The FINANCE Committee reports out **H 336** with the recommendation that it do pass.

CAMERON, Chairman

**H 336** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 336** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 336** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Richardson, Stegner. Total - 27.

NAYS--Bair, Burkett, Malepeai, Pearce, Schroeder, Siddoway, Stennett. Total - 7.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 336** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the Sergeant at Arms was ordered to retrieve the Idaho State flag that had been raised over the Senate Dome during the First Regular Session of the Fifty-ninth Legislature of the State of Idaho.

On request by Senator Davis, granted by unanimous consent, the Acting President appointed a committee consisting of Senator Keough, Chairman, and Senators Hill and Malepeai to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*.

The Acting President excused the committee.

On request by Senator Davis, granted by unanimous consent, the Acting President appointed a committee consisting of Senator Little, Chairman, and Senators McKenzie and Langhorst to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*.

The Acting President excused the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's message to the Acting President and the members of the Senate.

The Acting President thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's message to the Acting President and the members of the Senate.

The Acting President thanked and discharged the committee.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho adjourned *Sine Die* at 7:12 p.m., March 30, 2007.

DENTON DARRINGTON, Acting President

Attest: JEANNINE WOOD, Secretary

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[Note: The following is action recorded after Senate *Sine Die*:]

March 30, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1078**, as amended in the House, **S 1126**, as amended, as amended in the House, **S 1142**, **S 1147**, **S 1149**, **S 1157**, as amended, **S 1159**, as amended, **S 1166**, **S 1169**, **S 1175**, as amended in the House, **S 1179**, **S 1182**, **S 1183**, **S 1184**, **S 1185**, **S 1205**, **S 1214**, **S 1215**, **S 1216**, **S 12127**, **S 1218**, **S 1219**, **S 1220**, **S 1221**, **S 1222**, **S 1223**, **S 1224**, **S 1226**, and **S 1227**

As Always - Idaho, 'Esto Perpetua'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 30, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I am transmitting to the Secretary of State, without my approval, the following Senate Bills, to wit:

**S 1153**

within the time limited by law, the same having arrived in the Office of Governor at the hour of 4:15 p.m. on March 26, 2007.

The Small Lawsuit Resolution Act was approved in 2002, creating an arbitration- like process to encourage more efficient resolution of legal disputes involving \$25,000 or less. However, according to the Administrative Office of the courts, only 33 of the 150 cases subjected to the SLRA process were resolved in 2006. Of those, 18 - or more than half - were appealed. Instead of saving money and time, it has taken more of each.

While special rules are appropriate for helping parties resolve small disputes, it appears the goal of more efficient justice system would not be advanced by expanding the pool of potential cases qualifying for the SLRA process.

More importantly, it is inconsistent with the interests of justice to force one party - almost exclusively defendants - to pay another's legal fees for refusing to accept an arbitrator's determination of a claim's value.

As Always - Idaho, 'Esto Perpetua'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 2, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1225, S 1228, S 1239, and S 1240** were delivered to the Office of the Governor at 2:40 p.m., April 2, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 2, 2007

Mr. President:

I return herewith Enrolled **S 1225, S 1228, S 1239, and S 1240** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1225, S 1228, S 1239, and S 1240** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 2, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1202, S 1213, S 1232, and S 1233**

As Always - Idaho, 'Esto Perpetua'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 2, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1231, S 1234, S 1235, S 1236, S 1237, S 1238, and S 1242**

As Always - Idaho, 'Esto Perpetua'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 3, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1230**

Sincerely,  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.